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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,730	08/01/2001	Jaijit Bhattacharya	JP920010122US1	4333

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McGINN & GIBBS PLLC
2568-A RIVA ROAD
SUITE 304
ANNAPOLIS, MD 21401

EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,730

Applicant(s)

BHATTACHARYA, JAIJIT

Examiner

Wen-Tai Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 13-17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 9, 12 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/2/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are presented for examination. Claims 1-7 have been amended and claims 8-20 are newly added.

Claim Rejections - 35 USC § 102

2. Claims 1-3, 5-8, 10, 13-14, 16-17 and 19 are rejected under 35 USC 102(a) as being anticipated by Fernandez, et al. (hereafter "Fernandez") [WO 99/65256].

3. Fernandez is cited from Applicant's IDS filed on 1/10/2003.

4. As to claims 1, 6-7, 10 and 19, Fernandez teaches the invention as claimed including a method of providing a support service for a messaging system [Abstract; Figs. 1-2], the method comprising:

receiving a message for a user [Abstract];

sending a notification to the user informing the user of receipt of the message [page 4, lines 28-30]; and

receiving one or more predetermined directions from the user in response to the notification to the user, each of the directions instructing one or more correspondingly predetermined actions in relation to the message [page 5, lines 1-15], wherein said

predetermined actions comprise appending one message to another message [claim 5; i.e., "means for generating a reply e-mail in response to the identified E-mail message and appending thereto as an attachment said digitized voice response file"] and said user performing actions on said message prior to retrieving said message.

5. As to claims 2 and 13, Fernandez further teaches that the user can access the message from a first device [e.g., 62, Fig.2], and the user receives the notification using one or more second devices different from the first device [66, Fig.2; page 11, lines 18-23; i.e., after receiving the notification for an incoming email, the user always has an option to access the email via the conventional method, i.e., via a subscriber's browser].

6. As to claims 3 and 14, Fernandez further teaches that the user is connected with a first communications network [84, Fig.2; i.e., the notification is obtained via a short text message network], and the message is received from a second communications network different from the first communications network [92, Fig.2; i.e., when the user request for voice delivery of the message via an IVR server, or alternatively when the user chooses to view the email via a subscriber's browser on a PC, the second network would be the Internet].

7. As to claims 5 and 16, Fernandez teaches that the method further comprises the steps of (i) generating summary information based on the content of the message; and (ii) including the summary information in the notification to the user [page 6, lines 2-4].

8. As to claims 8 and 17, Fernandez teaches that the message comprises a voice message [Abstract; i.e., by default a v-mail delivers voice message].

Claim Rejections - 35 USC § 103

9. Claims 4, 11, 15 and 20 are rejected under 35 USC 103(a) as being unpatentable over Fernandez, et al. [WO 99/65256].

10. As to claims 4 and 15, Fernandez teaches that a user (i.e., a subscriber) is able to delete a message from the main system database. Fernandez does not specifically teach that such deletion is part of the predetermined actions. It would have been obvious to one of ordinary skill in the art to allow a user of Fernandez's system to delete a message prior forwarding it because Fernandez teaches that a user may establish rules for filtering emails prior forwarding them, which is part of the predetermined actions.

11. As to claims 11 and 20, Fernandez does not specifically teach communicating with a billing system after sending notification to said user. However, since Fernandez's system is a subscription-based event notification service (i.e., a paid service), it would have been obvious to one of ordinary skill in the art to communicate with a billing

system after sending notification to the user because this is the appropriate time for recording what has been serviced.

12. Claims 9, 12 and 18 are objected to for being dependent on rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Applicant's arguments filed on 3/2/2005 for claims 1-7 have been fully considered but they are not deemed to be persuasive. In the remarks Applicant argues that Fernandez does not teach appending one message to another message. In response, the examiner cited Fernandez's teaching of this particular feature paragraph #4 of this instant office action.

14. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin
April 25, 2005

Celen Jan L.
4/25/05